

**LFC Requester:****Kelly Klundt**

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X   **Amendment**            
**Correction**           **Substitute**          

**Date**   1/14/2016  

**Bill No:**       SB49      

**Sponsor:**   Steven P. Neville  

**Agency Code:**       305      

**Short Title:**   CHILDREN'S CODE &  
SUBSTITUTE CARE ACT  

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE****BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:** Senate Bill 49 amends the section of the Children's Code that defines the process by which dispositional judgements that place children in substitute care are to be periodically reviewed by the court. House Bill 49 also defines the process for holding a permanency hearing for child placement.

In addition, Senate Bill 49 abolishes the "state advisory committee" and replaces it with the "substitute care advisory council", whose general purpose is to oversee substitute care review boards in their monitoring of children placed in CYFD custody. The bill generally defines the membership, duties and operating parameters of the substitute care review boards.

Lastly, Senate Bill 49 transfers all physical assets and financial appropriations and funds related to this Act from CYFD to the substitute care advisory council.

**FISCAL IMPLICATIONS****SIGNIFICANT ISSUES**

There appear to be no legal or constitutional barriers to enacting this Bill.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Parts of this bill reference and are meant to work in conjunction with HB 28 Abuse and Neglect Act. However, parts of HB 28 and SB 49 are in conflict.

- SECTION 7 of HB 28 act duplicates Section 4 of HB 48 WITHOUT the amendments made in SB49.
- SECTION of HB 28 refers to "CASA", which HB 48 has removed and replaced with "court-

appointed special advocate”.

Both bills should be reviewed together for consistency, conflict, and duplication.

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

**AMENDMENTS**

N/A